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REMARKS

Initially, Applicant objects to the finality of the Office Action where the Examiner has not considered previously presented claims 22 and 23 that were newly included in Applicant's response to the first Office Action.

In paragraphs 1 and 2 of the Office Action claims 1, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kasiraj et al (US 6,493,183), stating:

"(As per claims 1, 9) Kasiraj et al discloses a magnetic head, as shown mainly in FIGs. 2A-2B, including: a first magnetic pole P1/S2 having a portion thereof that is exposed at an air bearing surface (ABS) of the magnetic head; a second magnetic pole P2 including a pole tip thereof that is exposed at the ABS; a heating element 20 being disposed between the first magnetic pole and the pole tip; an induction coil layer "C" that is disposed between the first magnetic pole P1/S2 and the second magnetic pole P2, as shown in the noted figures (also refer to col. 4, line 35 to col. 5, line 13); wherein the heating element 20 is disposed between the induction coil "C" and the pole tip, such that the heating element 20 is not exposed outside these boundaries. It is noted that with respect to claim 9, the magnetic media 10 (Fig. 1 B) is known to have the capability to have magnetic bits written thereto as is known in the art. As to the head being a perpendicular type, Kasiraj et al is considered to encompass this type as well (see col. 4, lines 40-46)"

Applicant respectfully traverses this ground of rejection and asserts that independent claims 1 and 9 recites subject matter that is not taught by Kasiraj '183. Specifically Kasiraj does not teach a magnetic head structure in which a heating element is disposed between an induction coil structure and a second magnetic pole tip. Applicant has made this argument in response to the first Office Action and the Examiner has commented on this argument in paragraph 5 of this Office Action, wherein the Examiner states:

"In response, the Examiner respectfully disagrees. The key to this argument is what the claim language actually is. Claims 1 and 9 recite "wherein said heating element is disposed between said induction coil structure and said pole tip." As set forth in the Office Action, it is maintained that Kasiraj et al discloses feature this such that "wherein the heating element 20 is disposed between the induction coil "C" and the pole tip, such that the heating element 20 is not exposed outside these boundaries." It is considered irrelevant how applicant describes where the heating element is located in Kasiraj et al, e.g., beneath coil turns "C", because the claim language simply does not preclude such a location. The rejection is thus maintained." Emphasis added

Applicant does not understand the Examiner's arguments. Specifically, the Examiner appears to base the rejection upon limitations that are not stated in the claims; specifically, the Examiner states:

"As set forth in the Office Action, it is maintained that Kasiraj et al discloses feature this such that "wherein the heating element 20 is disposed between the induction coil "C" and the pole tip, such that the heating element 20 is not exposed outside these boundaries."

Applicant does not comprehend the significance of the phrase "such that the heating element 20 is not exposed outside of the boundaries." where it is unclear what boundaries the Examiner refers to, and more significantly, the claim has no limitations regarding the exposure of the heating element and the purported "boundaries" to which the rejection refers.

Applicant further fails to comprehend the rejection comment:

"It is considered irrelevant how applicant describes where the heating element is located in Kasiraj et al, e.g., beneath coil turns "C", because the claim language simply does not preclude such a location."

Applicant does not comprehend how the location of the heating element of Kasiraj can be irrelevant, nor how Applicant's description of them can be irrelevant. Specifically, independent claims 1 and 9 recite the feature that the heating element is disposed between the induction coil structure and the second pole tip, and such a claim structure is not taught by Kasiraj. Previously presented claims 23 and 23 provide still further limitations in this regard.

In Kasiraj, Figs. 2B and 5B show that its heating element is disposed between the first and second magnetic pole, and that the induction coil structure is disposed behind the heating coil, such that the heating coil is disposed between the induction coil structure and the air bearing surface. Applicant submits that there is no interpretation of Kasiraj where the heating element 20 is disposed between the induction coil structure and the second magnetic pole. Applicant does not comprehend the Examiner's comments that it is irrelevant how Applicant describes where the heating element is located in Kasiraj, because the location of the heating element is a central element of the claim.

Furthermore, Applicant does not understand the Examiner's comments that "The claim language simply does not preclude such a location" in referring to the Kasiraj configuration of Fig. 5B in which the heating element is located beneath the coil turns. Specifically, Applicant's claim language requires that the heating element be disposed between the induction coil structure

and the second pole tip, and the Kasiraj Fig. 5B location of the heating element beneath the coil turns does not satisfy this limitation.

Applicant therefore respectfully submits that the teachings of Kasiraj fail to teach or render obvious Applicant's invention as recited in independent claims 1 and 9.

In paragraphs 3 and 4 of the Office Action claims 3, 5, 11 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kasiraj et al in view of the applicant's admitted prior art (AAPA), i.e., FIGs. 2 & 3, stating:

"For a description of Kasiraj et al, see the rejection, supra. With respect to claims 3 & 11, Kasiraj et al is silent as to the second magnetic pole including a shaping layer that is disposed in magnetic flux communication with the first magnetic pole, and a probe layer which includes the pole tip, wherein the probe layer is disposed in magnetic flux communication with the shaping layer. However, as shown in FIG. 2 of the AAPA (also refer to pages 5-7 of the instant application), the second magnetic layer includes a probe layer 68 with a pole tip 70.

From this teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the single magnetic layer of the second pole to have included two layers, i.e., a shaping layer and a probe layer, as taught by the AAPA.

The motivation would have been: configuring the one layered magnetic pole to have two layers, as discussed above, would have produced a magnetic head with favorable magnetic characteristics, and a high recording density, as would have been readily realized by a skilled artisan."

Responsive hereto Applicant asserts that dependent claims 1, 3, 5, 11 and 13 are allowable in that they depend either directly or indirectly from an allowable base claim.

In paragraph 5 of the Office Action it is indicated that Applicant's arguments filed 10/20/06 have been fully considered but they are not persuasive, stating:

"A...Applicant asserts on page 11 of the "REMARKS" that "Kasiraj et al. '183, and particularly Figs. 2B and 5B, it is seen that the heating element 2B (Fig. 2b) and/or 20" (Fig. 5B) is not disposed between the induction coil structure and the second magnetic pole tip (P2). Rather, the heating element 20 and 20" is disposed within the induction coil structure and even apparently beneath the coil turns "C". Therefore, Kasiraj et al. fails to anticipate the limitations of claims 1 and 9 that the heating element is disposed between the induction coil structure and the pole tip. Applicant therefore respectfully submits that amended independent claims 1 and 9 recite limitations that are not taught by the cited prior art."

In response, the Examiner respectfully disagrees. The key to this argument is what the claim language actually is. Claims 1 and 9 recite "wherein said heating

element is disposed between said induction coil structure and said pole tip." As set forth in the Office Action, it is maintained that Kasiraj et al discloses feature this such that "wherein the heating element 20 is disposed between the induction coil "C" and the pole tip, *such that the heating element 20 is not exposed outside these boundaries.*" It is considered irrelevant how applicant describes where the heating element is located in Kasiraj et al, e.g., beneath coil turns "C", because the claim language simply does not preclude such a location. The rejection is thus maintained.


B... Applicant simply reiterates the above argument for the claims rejected under 103, i.e., 3, 5, 11 & 13, which amounts to a failure to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

The response to this "argument" is also repeated by the Examiner as set forth in (A...), above."

Responsive hereto, Applicant appreciates the Examiner's consideration of Applicant's prior remarks.

Having responded to all of the paragraphs of the Office Action, and having amended the claims accordingly, Applicant respectfully submits that the Application is now in condition for allowance. Applicant therefore respectfully requests that a Notice of Allowance be forthcoming at the Examiner's earliest opportunity. Should the Examiner have any questions or comments with regard to this amendment, a telephonic conference at the number set forth below is respectfully requested.

Respectfully submitted,

  
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*Patricia Beilmann*  
(Signature of Patricia Beilmann)

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